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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,121	12/11/2003	Frank R. Chiappetta	893.0012USU	7885

7590 07/29/2005

Charles N.J. Ruggiero, Esq.  
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.  
10th Floor  
One Landmark Square  
Stamford, CT 06901-2682

EXAMINER
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SOOHOO, TONY GLEN

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/733,121

Applicant(s)

CHIAPPETTA, FRANK R.

Examiner

Tony G. Soohoo

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12-11-2003
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the fourth connector of claim 18-20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim interpretation***

2. Claims 10 and 17 and 19 are narrative in operation of the connector and does not positively state any seal member or relative gasket between relative parts upon the connectors so as to provide support of the operation of the hermetic seal. One can not determine what is being sealed. The connector itself? One end of the connector? The shaft in the connector? The external housing of the connector? Nonetheless, whereby the recitation is merely narrative to an operation, and whereby the claims are not a method claim issues to hermetical seals without the positive recitation of a seal structure is deemed narrative and afforded little patentable weight in distinction to the claim until positively claimed.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-10 and 11-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-10 recite the invention of a hand held blender but does not have any structure to permit blending of materials accordingly, it appears that the invention has not particularly claimed an invention of a blender since the elements are presented appear to be so vague that the structure is incomplete and may not structurally operate as a blender.

Claim 11 recites a third body without any positive structural relationship with the other elements of the 1<sup>st</sup> body or 2<sup>nd</sup> body. There indication that the third body has any structural relationship with the rest of the elements of the invention thereby rendering it unclear the structural significance, if any of the third body in the scope of the invention.

Claims 14, 16, and 17 recites the limitation "first portion" or "second portion" in the claim however there is not basis of 1<sup>st</sup> portion or 2<sup>nd</sup> portion, only a reference to a 1<sup>st</sup> body and 2<sup>nd</sup> body. There is insufficient antecedent basis for this limitation in the claim.

For examination purposes, the references to "portion" is being read as best understood presently as equivalent to "body".

Claim 18 is incorrect in physical cooperation between elements and recites "said third and/or forth connectors operatively connected said second and third bodies and/or said transmission shaft and tool" The imprecise use of the phrase "and/or" renders the claim unclear and physically beyond of what is applicant's invention. The "third [...] /or fourth connectors" can not operatively connect the two bodies alone with out the other connector. The claim should read "third **and** fourth connectors".

Claim 19 is unclear in what is being sealed by the connectors. Is the connection between the 1<sup>st</sup> and 2<sup>nd</sup> connectors being sealed together? Or what part of the connectors is being sealed? Is the seal between the housing? Or between the shaft and motor shaft with the connector?

Claims 20 is unclear in what is connection is being made by "rotatably, operately connected". Does the 1<sup>st</sup> and 2<sup>nd</sup> body rotate to one another? Or does the connector rotates to make the connection? Or does the bodies rotate to one another to provide a

connection? Claim 20 is narrative in the operation of the connection and does not positively point out any positive structure upon the connector thereby has been afforded no patentable weight to the connection between the two bodies.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 9, 11, 12, 16, and 18 rejected under 35 U.S.C. 102(b) as being anticipated by Calange 6193404 (cited on PTO 1449).

Calange discloses a 1<sup>st</sup> motor body housing 3 with plural handles portions 4, with a 2<sup>nd</sup> transmission shaft housing 2, 2a, connected to one another as seen in figure 1 and figure 5, and further having a mounting hub with a hole for the drive shaft and motor drive shaft to connect to one another, and a 3<sup>rd</sup> body portion having housing the processing tool 13 with housing connection means and seal 21, 23, and gasket 18, and shaft connection means 11.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 1723

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 10 and 17 and 19 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Calange 6193404.

The Calange 6193404 discloses all of the features of the positively claimed elements of connectors having portions which cooperate with one another, absent present any positively claimed to a additional distinguishing structure of the connector which permits hermetic sealing, it is therefore deemed that such positively claimed elements of connectors and connector portions, and those of the connector and connector portions shown by the reference may operate in the narrative manner of claims 10 and 17 and 19.

Nonetheless, alternately, it is also deemed that the use of seals and gaskets are old and well known in the art of appliance and motor housings for the function of providing a seal, or hermetic seal from unwanted debris, fluids and materials to enter the interior of a device and its elements. Accordingly, it is deemed that it would have been obvious to one of ordinary skill in the art to provide for the connectors and body portions of the device of Calange with a gasket and seal about the shaft, housing and mating surfaces so that unwanted debris, fluids and materials are prevented to enter the interior of a device and its elements and thereby causing damage to the internal element and operation of the element(s).

9. Claims 3-8, 13-15 and 20 are rejected under 35 U.S.C. 103(a) as obvious over Calange 6193404 in view of Krug 1691200.

The Calange 6193404 discloses all of the recited subject matter as defined within the scope of the claims with the exception of the hub of the 1<sup>st</sup> motor housing body and coupling portion having tabs on a mounting hub which rotatable engage slots or pockets upon the 2<sup>nd</sup> body shaft housing coupling portion for a connection between the two.

The reference to Krug teaches that a coupling member to couple the motor housing portion having a hub 8 with tabs 2,3 23 which engage the sleeve portion 17, 16 of a drive shaft member 15 whereby it engages a slot 22. Such coupling is commonly known as a bayonet coupling in the art of couplings with allow for a quick connection and disconnect.

In view of the teaching and example of the old and well known knowledge of the use of bayonet couplings in the art of coupling, and as shown by the Krug reference of its use in the manner to couple a motor housing with a shaft sleeve, it is deemed that it would have been obvious to one of ordinary skill in the art to substitute for the coupling member of the Calange reference to have a hub with tabs to couple with a slotted pocket member so as to permit a quick connect and disconnect of the members together via the common known assembly known as a bayonet coupling.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thomas et al 6398402 shows another example of a bayonet coupling member. D494410 is applicant's related design patent.

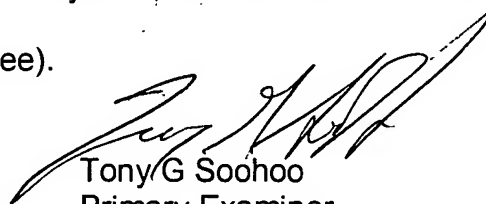


Art Unit: 1723

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony G. Soohoo whose telephone number is (571) 272 1147. The examiner can normally be reached on 7:00 AM - 5:00 PM, Tues. - Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tony G Soohoo  
Primary Examiner  
Art Unit 1723

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